Praxis Financial Solutions, Incorporated, A Foreign Corporation. Defendant. Defendant. JURY TRIAL DEMA COMPLAINT COMES NOW the Kirby Spencer (Client) ("Plaintiff"), by and through I K. Perry, Esq. of the law firm of Craig K. Perry & Associates, and alleges the Praxis Financial Solutions, Incorporated. INTRODUCTION Plaintiff's Complaint is based on the Telephone Consumer Prote U.S.C. §227 et seq. ("TCPA"). JURISDICTION AND VENUE JURISDICTION AND VENUE JURISDICTION AND VENUE 3 Jurisdiction of this Court arises pursuant to 47 U.S.C § 227(g)(2) 1331 grants this court original jurisdiction of all civil actions arising under the I States. Praxis Financial Solutions, Incorporated, is an Illinois corporation										
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- 4. Venue in this District is proper pursuant to 47 U.S.C § 227(e)(6)(E)(i), which incorporates by reference 28 U.S.C § 1391, of which the following subsections apply: (b)(2), because a substantial part of the events giving rise to the claim arose in Nevada, and (c)(1), because Plaintiff is a resident of the state of Nevada.
 - 5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

PARTIES

- 6. Plaintiff is a natural person residing in Henderson, Nevada.
- 7. Plaintiff is both a "person" and "called party" as those terms are used or defined in 47 U.S.C § 227.
 - 8. A principal purpose of PRAXIS's business is the collection of debts.
- 9. PRAXIS is properly referred to as both a "person" and a "caller" as those terms are used or defined in 47 U.S.C § 227.

STATEMENT OF FACTS

- 10. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1 through 9 inclusive, above.
- 11. Beginning on or about September 26, 2014 thru January 21, 2014, PRAXIS contacted or attempted to contact the Plaintiff's paging service, cellular telephone service, specialized mobile radio service, radio common carrier service, or any service for which the called party is charged for the call-using a facsimile transmission, text messages, automatic telephone dialing system, artificial or prerecorded voice. Attached hereto as Exhibit "1".
 - 12. PRAXIS does not have an established business relationship with the Plaintiff.
- 13. PRAXIS did not have the prior express consent of the Plaintiff before making the calls described in paragraph 11 above.

CLAIM FOR RELIEF

DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

14. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1 through 13 inclusive, above.

- 15. Section 227(b)(3)(A) of the TCPA authorizes a private cause of action for a person or entity to bring in an appropriate court of that state "an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation."
- 16. Section 227(b)(3)(B), of the Act authorizes a private cause of action for a person or entity to bring in an appropriate court of that state "an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater."
- 17. Despite the fact that Plaintiff never consented to PRAXIS making calls to his cellular telephone, PRAXIS repeatedly placed non-emergency calls to Plaintiff's cellular telephone without Plaintiff's consent.
- 18. The Act also authorizes the Court, in its discretion, to award up to three (3) times the actual damages sustained for violations when they are done "willfully and knowingly."
- 19. Here, upon information and belief, PRAXIS repeatedly and regularly placed non-emergency, automated calls to Plaintiff's cellular telephone.
- 20. PRAXIS did not have Plaintiff's express consent prior to contacting him on his cellular telephone using an automatic telephone dialing system or pre-recorded or artificial voice.
- 21. PRAXIS's conduct violated § 227(b)(1)(A)(iii) of the TCPA by making any call by way of SMS text messaging using any automatic telephone dialing system or an artificial prerecorded voice to a telephone number assigned to a cellular telephone service.

WHEREFORE, Plaintiff, Kirby Spencer (Client), respectfully prays for a judgment as follows:

- a. Actual damages;
- b. Statutory damages up to \$1,500 per violation;
- c. Reasonable attorney's fees and costs; and
- d. Any other relief deemed appropriate by this Honorable Court.

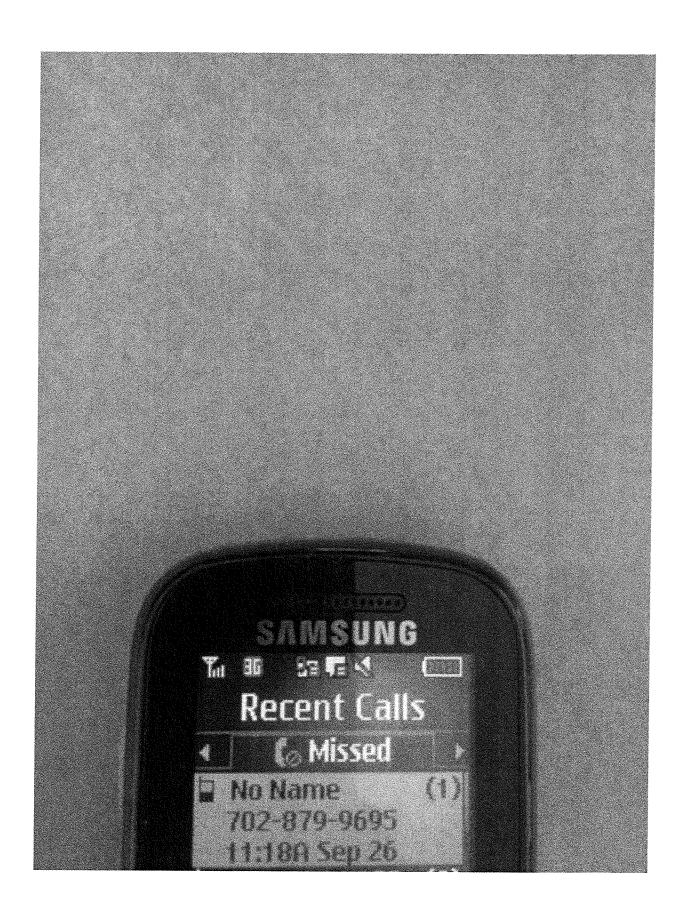
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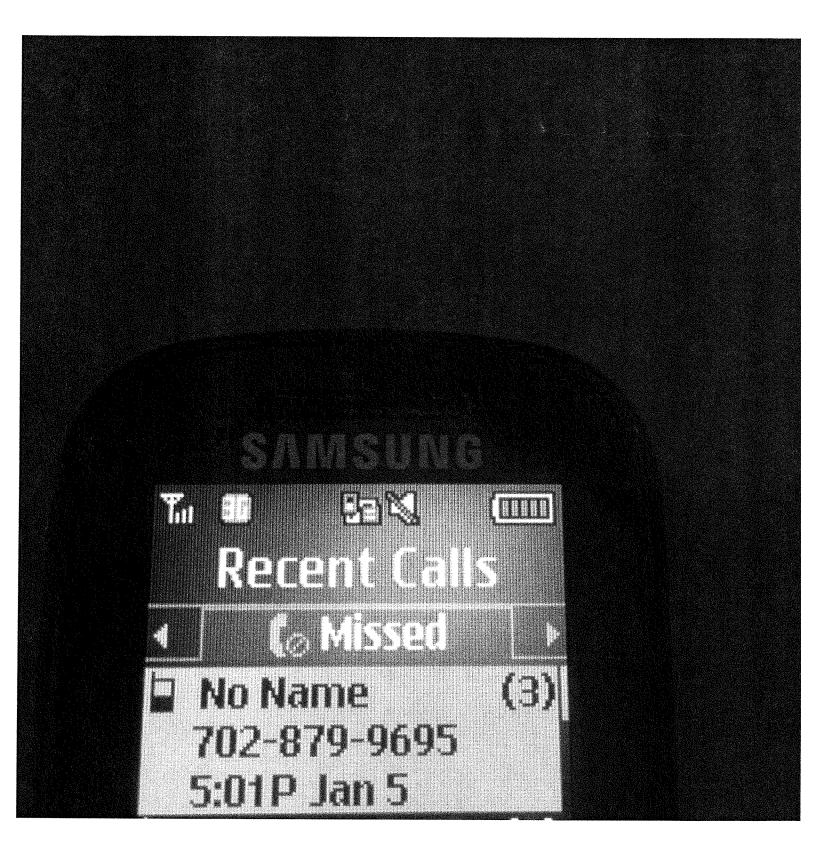
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DEMAND FOR JURY TRIAL PLEASE TAKE NOTICE that Plaintiff, Kirby Spencer (Client), demands a trial by jury in this case. RESPECTFULLY SUBMITTED, DATED, this 2/5t day of Jephnes 2017. CRAIG K. PERRY & ASSOCIATES Craig K. Perry, Esq. Nevada Bar #003786 8010 W. Sahara Ave., Suite 260 Las Vegas, Nevada 89117 (702) 228-4777 (702) 942-7520 Fax info@1stoplawfirm.com Attorney for Plaintiff

Exhibit "1"







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